

Gerald Nielsen

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION
IN ADMIRALTY

- - -

TIFFANY N. PROVENCE, as the	:
Personal Representative of the	:
Estate of Juan Antonia	:
Villalobos Hernandez,	:
	:
Plaintiff,	:
	: Case No.
vs.	: 2:21-cv-965-RMG
	:
UNITED STATES OF AMERICA,	:
CROWLEY MARITIME CORPORATION,	:
CROWLEY GOVERNMENT SERVICES,	:
INC., DETYENS SHIPYARDS, INC.,	:
and HIGHTRAK STAFFING, INC,	:
d/b/a Hitrak Staffing, Inc.,	:
	:
Defendants.	:
	:

DEPOSITION OF GERALD NIELSEN

DATE TAKEN: Monday, April 11, 2022

TIME BEGAN: 10:00 a.m.

TIME ENDED: 5:20 p.m.

LOCATION: REMOTE PARTICIPATION DEPOSITION
(All parties participated via videoconference)

REPORTED BY: Mary Posey, Court Reporter
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1 had a secondary means of retention or had been
2 removed, and if left as is, there were multiple
3 opportunities for the hazard to have been identified
4 and rectified.

5 Q Okay. And the hazard in question was a
6 stray electrical current. Was the mechanism a
7 failure?

8 A The hazard was the stored energy, the davit
9 being secured in an area where gravity could work on
10 it if you lost your retention, so the hazard was the
11 stored energy. The risk was that something could
12 happen to release that stored energy. That risk
13 manifested itself in the way of a stray current.

14 Q Okay. And with respect to that, the risk
15 of the stray current, we don't know where it came
16 from but most probably it was from ungrounded welding
17 at some point prior to this incident.

18 A That's my understanding, yes.

19 Q Okay. And you also agree that these davit
20 arms on this ship, all 12 of them, had been
21 successfully restrained for five months.

22 A From sometime in November to sometime in
23 April. So yes, approximately five months. Correct.

24 Q Okay. And that this method of constraint
25 would have been visible to the Detyens safety